

ENTERED

February 14, 2019

David J. Bradley, Clerk

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
CORPUS CHRISTI DIVISION

KENNETH SCOTT,

Plaintiff,

VS.

ISAAC KWABENA KWARTENG, *et al*,

Defendants.

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CIVIL ACTION NO. 2:17-CV-382

**ORDER AND OPINION DENYING PLAINTIFF'S
THIRD MOTION FOR APPOINTMENT OF COUNSEL**

Plaintiff Kenneth Scott, who is a prisoner in the Texas Department of Criminal Justice, Criminal Institutions Division (TDCJ-CID) and is currently housed at the McConnell Unit in Beeville, Texas, has filed this prisoner civil rights action. Pending before the Court is Plaintiff's Third Motion for Appointment of Counsel. (D.E. 49).


In this action, Plaintiff sues the following individual defendants: (1) Dr. Isaac Kwabena Kwarteng; (2) Charge Nurse Tanya Lawson; and (3) Senior Warden Philip Sifuentes. Plaintiff claims that Defendants' actions amount to deliberate indifference to his health and safety in violation of the Eighth Amendment. Plaintiff further claims that certain defendants retaliated against him by intentionally delaying medical care to Plaintiff.

On January 3, 2018, the undersigned denied Plaintiff's first motion for appointment of counsel without prejudice until after screening. (D.E. 9, p. 2). On April 20, 2018, the undersigned ordered Plaintiff's complaint to be served on each defendant. (D.E. 14). Defendants subsequently filed two motions to dismiss. (D.E. 15, 17).

Plaintiff again sought the appointment of counsel to assist him in litigating his claims in this case. (D.E. 42). The undersigned denied this motion on November 29, 2018. (D.E. 43)

On January 9, 2019, the undersigned issued a Memorandum and Recommendation (M&R) in which it recommended the denial of Defendants' motions to dismiss. (D.E. 46). Plaintiff seeks for the third time the appointment of counsel to assist him in litigating his claims in this case. (D.E. 49). However, Plaintiff's motion (D.E. 49) is DENIED without prejudice for the same reasons set forth in the November 29, 2018 Order. This order will be *sua sponte* reexamined as the case proceeds.

ORDERED this 14th day of February, 2019.


B. JANICE ELLINGTON
UNITED STATES MAGISTRATE JUDGE